

**\*\*E-filed 9/28/2010\*\***

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

CHARLES GILLIS, et al.,

No. C 08-3871 RS

Plaintiffs,

v.

**ORDER RE MOTION FOR  
ADMINISTRATIVE RELIEF**

CITY AND COUNTY OF SAN  
FRANCISCO, et al.

Defendants.

Defendants have filed a motion seeking “clarification” that their motion for summary judgment, presently set for hearing on October 21, 2010, is timely, or, in the alternative, for an order extending the deadline for hearing such motions such that it would be timely. The time for filing opposition to defendants’ administrative motion has expired, and plaintiffs have not responded.

The judge previously presiding over this case set a deadline for dispositive motions *to be heard* by September 14, 2010. Defense counsel mistakenly calendared that date as the deadline for such motions *to be filed*. The order reassigning this matter to the undersigned vacated any then-pending hearing dates, but provided for “[a]ll discovery cutoff dates and other deadlines associated with this case” to remain in effect.<sup>1</sup> The reassignment order issued in contemplation of a case

<sup>1</sup> Defendants’ argument that the reassignment order had the effect of lifting the September 14, 2010 deadline is unavailing. That was a deadline for hearing dispositive motions that the order did not alter, not a then-pending scheduled hearing date that was vacated.

1 management conference being held in short order to address the status of the discovery cutoff and  
2 other deadlines that remained in effect. Because a motion to bifurcate and sever claims had to be  
3 resolved, the case management conference was delayed, and now is not scheduled to be held until  
4 October 21, 2010.

5 Under all the circumstances here, good cause exists to deem defendants' motion for  
6 summary judgment to be timely. The parties' respective positions as to whether and to what extent  
7 additional discovery should be permitted to go forward notwithstanding the close of discovery under  
8 the prior judge's scheduling order will be addressed at the upcoming case management conference.  
9 The parties are directed to meet and confer regarding whether the hearing on the summary judgment  
10 motion should be continued by stipulation in the interim.

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12 IT IS SO ORDERED.

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15 Dated: 9/28/10

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17 RICHARD SEEBORG  
18 UNITED STATES DISTRICT JUDGE  
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